

1.0 INTRODUCTION

1.1. PURPOSE OF THE EIR

This Environmental Impact Report (EIR) has been prepared to meet all of the substantive and procedural requirements of the California Environmental Quality Act (CEQA) of 1970 (California Public Resources Code Section 21000 et seq.), the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq. as amended through January 1, 2006) and the rules, regulations and procedures for implementation of CEQA as adopted by the City of Lodi. The City of Lodi is the Lead Agency for this project, taking primary responsibility for conducting the environmental review and approving or denying the Reynolds Ranch Project under consideration.

Before beginning the preparation of an EIR, the Lead Agency must decide which specific issues should be evaluated in the document. State CEQA Guidelines mandate various steps that Lead Agencies must take to define the scope and contents of an EIR, and also give lead agencies discretion to use additional “scoping” methods. For this project, the primary tool used to determine the scope of the EIR were the Initial Study and public Scoping Meeting.

As allowed by Section 15063 of the State CEQA Guidelines, the Initial Study may be used to simplify preparation of an EIR by narrowing the scope of the issues evaluated. Therefore, the Initial Study may be used to:

- Focus the Draft EIR on environmental effects determined to be potentially significant;
- Identify effects that are not significant;
- Explain why potentially significant effects were determined not to be significant; and
- Identify whether a program EIR, tiering, or another appropriate process can be used for analysis of the project’s environmental effects.

Under the statute, EIRs should focus their discussion on potentially significant impacts, and may limit discussion of other impacts to a brief explanation of why the impacts are not potentially significant. Under the Guidelines, environmental effects that were discussed in an Initial Study need not be discussed in the EIR unless the agency later receives information that is inconsistent with the findings of the Initial Study. This process results in a focused, or limited-topic EIR. The Initial Study for this project is contained in Appendix A.

This EIR has been prepared to identify any significant environmental impacts associated with the implementation of the proposed project, as well as appropriate and feasible mitigation measures or project alternatives that would minimize or eliminate these impacts. According to PRC Section 21081, the Lead Agency must make specific Findings of Fact (“Findings”) before approving a project, when the EIR identifies significant environmental impacts that may result from a project. The purpose of the

Findings is to establish the link between the contents of the EIR and the action of the Lead Agency with regards to approval or rejection of the project. Prior to approval of a project, one of three findings must be made:

1. Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Draft EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other consideration, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR.

Additionally, according to PRC Section 21081.6, for projects in which significant impacts will be avoided by mitigation measures, the Lead Agency must include in its Findings a Mitigation Monitoring Program ("MMP"). The purpose of the MMP is to ensure compliance with required mitigation during implementation of the project.

However, environmental impacts may not always be mitigated to a level considered less than significant: such impacts are considered significant and unavoidable. If a public agency approves a project that would result in significant and unavoidable environmental impacts, the agency shall state, in writing, the specific reasons for approving the project, based on information contained within the EIR, as well as any other information in the public record. The resulting document is called a Statement of Overriding Considerations, and serves to clearly state the proposed project's benefits when weighed against its unavoidable environmental risks. The public agency prepares the Statement of Overriding Considerations, if required, after completion of the Final EIR, but before project approval according to the State CEQA Guidelines Section 15091 and 15093. As further guidance, in *Citizens of Goleta Valley v. Board of Supervisors of Santa Barbara County* (1990, 52 Cal.3d 553), the California Supreme Court stated that:

The wisdom of approving any development project, a delicate task that requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.

Therefore, this document is intended to serve as an informational document, as stated in Section 15121(a) of the State CEQA Guidelines:

An EIR is an informational document, which will inform public agency decision makers, and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the Draft EIR along with other information, which may be presented to the agency.

Furthermore, this EIR will constitute the primary source of environmental information for the lead, responsible, and trustee agencies to consider when exercising any permitting authority or approval power directly related to implementation of the proposed project.

1.2. APPLICABILITY OF EIR

It is not anticipated that a the retail use would be occupied by a so-called “Big-Box” use. Accordingly, expressly excluded from this Project Description and specifically excluded from evaluation by this Environmental Impact Report are the potentially significant environmental effects that may result from so-called Big Box retail uses. For purposes of this Project Description a “Big Box retail use” means a use that involves a building in excess of 99,000 square feet where at least five percent of the gross floor area is devoted to goods that are not subject to state sale tax. Although this exception relates to retail uses and not necessarily the identity of the user (except to the extent the tenant’s characteristics may be relevant as explained in *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1213 [“recognition of the characteristics of the shopping centers’ tenants is a necessary prerequisite to accurate identification and analysis of the environmental consequences that will result from approval of the proposed projects”]), for purposes of examples only, Big Box retail uses contemplated by this definition could include uses such as a Wal-Mart retail center, a super Wal-Mart retail center or a super Target retail center, if these uses meet the definition set forth above.

Since this Environmental Impact Report excluded Big Box retail uses from the Project Description and did not evaluate significant environmental effects flowing from introducing Big Box retail uses to the Project, certifying this Environmental Impact Report and approving some or all of the Project Approvals does not authorize a Big Box retail use as part of the Project. Accordingly, should a Big Box retail use be subsequently proposed this Environmental Impact Report shall not be used as a baseline for such subsequent review of the environmental effects, shall not be used for purposes of tiering a subsequent review of the environmental effects and the rules involving Public Resources Code section 21166 and CEQA Guideline section 15162 shall not be applicable to the subsequent review of the potential environmental effects of a Big Box retail user.

1.3 SCOPE OF THE EIR

This EIR addresses the potential environmental effects of the proposed project. The scope of the EIR includes issues identified by the City of Lodi during the preparation of the Initial Study (IS) and Notice of Preparation (NOP) for the proposed project and comment letters received during the IS/NOP review period. The IS/NOP and comment letters received during the NOP review period are included in Appendix A of this EIR. Based on this information, the Lead Agency has determined that implementation of the proposed project may result in significant impacts.

Initially, the IS/NOP identified that the proposed project may have “Potentially Significant Impacts” for all environmental impact categories. However, upon further project evaluation in the course of preparing this environmental document, the following environmental issues have been determined to have “Potentially Significant Impacts” or “Less than Significant Impacts with Mitigation Incorporation.”

- Air Quality
- Biological Resources
- Cultural Resources
- Energy Conservation
- Hazards and Hazardous Materials
- Hydrology
- Land Use and Planning/
Agricultural Resources
- Noise
- Public Services
- Traffic and Circulation
- Utilities and Service Systems

Each of these environmental topics are discussed in Section 3.0 “Environmental Setting, Impacts, and Mitigation Measures” of the EIR. These discussions describe the existing environmental conditions, analyze the proposed project’s potential impacts, and identify mitigation measures to reduce potential impacts.

In accordance with Section 15063(c)(3)(B) of the State CEQA Guidelines, the IS/NOP (Appendix A) assists in the preparation of an EIR by identifying effects determined not to be significant, as determined by a brief environmental analysis, supported by appropriate documentation. Despite the initial conclusions of the IS/NOP, subsequent analyses prepared under this EIR have determined that the environmental effects under the following topics are not considered significant at this time and such determinations are further summarized below:

- Aesthetics
- Geology and Soils
- Mineral Resources
- Population/Housing
- Recreation

Aesthetics - The proposed project is not considered a specific plan development where aesthetic and design considerations would be relevant. Rather, the intent of the project is to accommodate the potential development for a variety of urban uses on an existing agricultural site. It is anticipated that aesthetic and overall project design considerations will be evaluated during a subsequent project entitlement and environmental review process.

Geology and Soils - The proposed project is located in the northern part of California's Central Valley where geologic hazards are limited to seismic events and subsidence and landslides are not considered a prevalent hazard due to the relative flat topography of the region. As this project will subsequently seek overall land use and more specific land development approval for the retail and office uses, it does not include building approvals for site specific development at this time. When more detailed land use development and building approvals are considered, geologic hazards and soil stability issues will be addressed as part of that project entitlement review.

Mineral Resources - There are no known mineral resources of value nor any locally-important mineral resource recovery sites within the project area.

Population/Housing - The proposed project would induce population and housing growth from the conversion of existing agricultural land to urban uses. However, as more detailed development plans are processed in the future, the facility and service needs of the residential development components of this project will be more fully assessed. This EIR is focused upon the retail and office components of the project which will not result in population growth nor substantial displacement of existing housing will result.

Recreation – The project will not cause a deterioration of existing park/recreational facilities nor indirectly have an adverse effect upon the environment from the construction of new parks and recreational facilities. The project will result in the construction of a new neighborhood park, a network of trails and open space buffer areas, and a future school site to accommodate future demand for park and recreational facilities. Additionally, construction of these parks and recreational facilities will not adversely impact the environment since the existing agricultural use within the project area is considered disturbed land and has limited natural resource value.

1.4. ENVIRONMENTAL REVIEW PROCESS

As a first step in complying with the procedural requirements of CEQA, the City of Lodi prepared an Initial Study (IS) to determine whether any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment and, if so, to narrow the focus (or scope) of the environmental analysis. For this project, the IS indicated that an EIR would be the appropriate type of environmental document to address potential environmental impacts resulting from project planning, implementation, and operation.

After completion of the IS, the City filed a Notice of Preparation (NOP) with the California Governor's Office of Planning and Research as an indication that an EIR would be prepared. The IS/NOP was distributed for a 30-day public review period, which began on January 25, 2006, and ended February 27, 2006. The purpose of the public review period was to solicit comments on the scope and content of the environmental analysis to be included in the Draft EIR. In addition, a scoping meeting for the project was held on February 14, 2006 where a public comment was presented by a representative from the Lodi Unified School District which expressed their concerns

regarding the timing and need for a new school facility. Specifically, the District noted that:

- The project alone will not trigger the need for new school facility.
- If a new school will be built, it would likely be a K-8 school.
- The District appreciates being involved in the early planning process for its future facility needs.
- A future school site may be developed in conjunction with a future planning effort for properties west of the project site.

For reference purposes, the IS/NOP and the comment letters are included in Appendix A.

During the preparation of the EIR, agencies, organizations, and persons who the City of Lodi believes may have an interest in this project were specifically contacted. Information, data, and observations from these contacts are included in the EIR. Agencies or interested persons have an opportunity to comment during the public review of the Draft EIR, as well as at subsequent hearings on the project.

The Draft EIR will be circulated for 45 days for public and agency review and comment. At the close of the public comment period, response to comments are prepared and the comments and responses are included as a chapter in the Final EIR submitted to the City's decision-makers for consideration.

1.5. INTENDED USE OF THE EIR

As previously mentioned, this EIR is intended to provide the Lead Agency, interested public agencies, and the public with information which enables them to intelligently consider the environmental consequences of the proposed action. EIRs not only identify significant or potentially significant environmental effects, but also identify ways in which those impacts can be reduced to less-than-significant levels, whether through the imposition of mitigation measures or through the implementation of specific alternatives to the project. In a practical sense, EIRs function as a technique for fact-finding, allowing an applicant, concerned citizens, and agency staff an opportunity to collectively review and evaluate baseline conditions and project impacts through a process of full disclosure.

To gain the most value from this report, certain key points should be kept in mind:

- This report should be used as a tool to give the reader an overview of the possible ramifications of the proposed project. It is designed to be an "early warning system" with regard to potential environmental impacts.
- A specific environmental impact is not necessarily irreversible or permanent. Most impacts, particularly in urban, more developed areas, can be wholly or

partially mitigated by incorporating changes recommended in this report during the design and construction phases of the project development.

1.6. REQUIRED APPROVALS

This EIR will be used in connection with permits and other discretionary approvals necessary for implementation of the proposed project. The proposed project will require the following discretionary approvals:

- City of Lodi: Development Plan, Infrastructure Master Plan and Water Supply Assessment approval
- City of Lodi: Potential subsequent land use entitlements for proposals within the Reynolds Ranch Project (such as Tentative Tract Map applications)
- City of Lodi: Development Agreement
- City of Lodi: General Plan Amendment/Zone Change/Growth Management Allocation/Annexation approval
- LAFCO: Annexation approval (Municipal Plan of Services, County of San Joaquin Detachment, etc.)

In addition to the City of Lodi, there are also local, state, and federal responsible agencies that have discretionary or appellate authority over specific aspects of the proposed project. In this case, the Lodi Unified School District (LUSD) will be the lead agency for the proposed K-8 school project within the Concept Plan area, as they are a separate and independent entity from both the City of Lodi and the project applicant. Although a school site has been reserved under the Concept Plan, it is undetermined at this time when the site will be developed. Should the LUSD undertake a school development on the project site, a separate project-level environmental review specific to the school project will be conducted at that time.